

26610. Adulteration of canned salmon. U. S. v. 3,821 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38299. Sample no. 10915-C.)

This case involved canned salmon that was in part decomposed.

On September 14, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,821 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 23, 1936, by North Pacific Sea Foods Co., from Dayville, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 17, 1936, the North Pacific Sea Foods Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, Acting Secretary of Agriculture.

26611. Adulteration of pears. U. S. v. 516 Bushels and 516 Bushels of Pears. Decrees of condemnation. Product ordered released under bond to be cleansed. (F. & D. nos. 38293, 38303. Sample nos. 4754-C, 19001-C.)

This case involved pears that were contaminated with arsenic and lead.

On or about September 3 and September 4, 1936, the United States attorneys for the District of Colorado and the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 516 bushels of pears at Denver, Colo., and 516 bushels of pears at Kansas City, Mo., consigned by the E. O. Muir Co., alleging that the article had been shipped in interstate commerce on or about August 28 and August 29, 1935, from Caryhurst and Provo, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and Packed by D. M. Crandall & Sons, Provo, Utah, Bartlett."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 4 and September 8, 1936, the W. A. White Brokerage Co. and Brown & Loe having appeared as claimants for respective portions of the article and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond to be cleansed under the supervision of this Department.

M. L. WILSON, Acting Secretary of Agriculture.

26612. Adulteration of cherries. U. S. v. 64 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38305. Sample no. 14721-C.)

This case involved fresh cherries that were contaminated with arsenic and lead.

On August 12, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 23, 1936, by M. W. Miller & Co., from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26613. Adulteration and misbranding of canned strawberries. U. S. v. 298 Cases of Canned Strawberries. Decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 88309. Sample no. 11753-C.)

This case involved canned strawberries that contained an added undeclared artificial color and sodium benzoate.

On September 17, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 298 cases of canned strawberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 24, 1936, by the Apple Growers Association from Hood River, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Johnson's Bestovall Brand Hood River Whole Strawberries * * * H. A. Johnson Co. Boston and New York Distributors."

The article was alleged to be adulterated in that artificially colored strawberries containing sodium benzoate had been substituted for the article.

The article was alleged to be misbranded in that it was labeled or branded so as to deceive and mislead the purchaser, since the added artificial color and sodium benzoate contained therein were not declared on the label.

On September 25, 1936, the H. A. Johnson Co., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the labels be obliterated or destroyed and that new labels describing the true nature of the article and the true quantity of the contents of each can replace the original labels.

M. L. WILSON, *Acting Secretary of Agriculture.*

26614. Adulteration of apples. U. S. v. 150 Bushels and 530 Bushels of Apples. Product ordered released to claimant under bond. (F. & D. nos. 38322, 38323. Sample nos. 4627-C, 4630-C, 4631-C.)

These cases involved interstate shipments of apples that were contaminated with arsenic and lead.

On September 10, 1936, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 680 bushels of apples at Kansas City, Mo., alleging that the product had been shipped in interstate commerce on or about September 4, 1936, and September 7, 1936, by J. M. Benson from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 12, 1936, the Michael, Swanson & Brady Produce Co., Kansas City, Mo., having appeared as claimant, judgments of condemnation were entered and it was ordered that the apples be released under bond for the purpose of cleaning them in order to remove the deleterious ingredients.

M. L. WILSON, *Acting Secretary of Agriculture.*

26615. Misbranding of alfalfa meal. U. S. v. 200 Bags of Alfalfa Meal. Consent decree of condemnation. Product released under bond conditioned upon relabeling. (F. & D. no. 38332. Sample no. 826-C.)

This product was represented to be alfalfa leaf meal but consisted of alfalfa meal containing less protein and more fiber than declared on the label.

On September 22, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of alfalfa meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by the W. J. Small Hay & Grain Co., from Neodesha, Kans., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Excello Fine Ground Dehydrated Alfalfa Leaf Meal * * * The W. J. Small Hay & Grain Co. Neodesha, Kansas."

The article was alleged to be misbranded in that the statements, "Alfalfa Leaf Meal * * * Crude Protein (Minimum) 20.00% * * * Crude Fibre (Maximum) 18.00%", were false and misleading and tended to deceive and mislead the purchaser, since it was not alfalfa leaf meal but was alfalfa meal and contained less protein and more fiber than declared on the label.

On October 5, 1936, the Baltimore Feed & Grain Co., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, subject to relabeling.

M. L. WILSON, *Acting Secretary of Agriculture.*